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AN ENVIRONMENTAL AND ENERGY LAW PRACTICE



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Admitted in PA and NJ

September 17, 2014

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> PHILADELPHIA, PA *CHERRY HILL, NJ WILLIAMSPORT, PA by appointment only

*Partner responsible - Bruce S. Katcher

Via Overnight Mail and Electronic Mail

Ms. Bonnie Hriczko

Removal Action Branch

U.S. Environmental Protection Agency

Region II

2890 Woodbridge Avenue

MS-211

Edison, NJ 08837

Via Email: Hriczko.bonnie@Epa.gov

Re:

Request for Information Pursuant to Section 104 of CERCLA

Superior Barrel and Drum Site, Elk, Gloucester County, New Jersey

Dear Ms. Hriczko:

I have enclosed the response by United Asphalt, Inc. related to the Superior Barrel and Drum Site regarding the above-captioned matter. A hard copy of the response will be sent to you under separate cover with the original notarized Certification.

If you have any questions, please feel free to contact me. Thank you.

Sincerely,

Christopher D. Ball

For MANKO, GOLD, KATCHER & FOX, LLP

CDB/acr/11116-1003

Enclosure

cc:

William Tucker, Esquire (w/encs.) (via email: Tucker.william@Epa.gov)

Mr. Mark Umosella (w/encs.)

1331004 1

RESPONSE OF UNITED ASPHALT TO EPA INFORMATION REQUEST REGARDING THE SUPERIOR BARREL AND DRUM SITE

United Asphalt ("UA") hereby responds to the Request for Information transmitted to UA by the United States Environmental Protection Agency ("USEPA") under cover letter dated January 9, 2014, pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA") regarding the Superior Barrel and Drum Site (the "SBD Site"), Elk, Gloucester County, New Jersey (the "Information Request"). UA received the Information Request on August 18, 2014 and is responding within 30 days as requested in the Information Request.

GENERAL OBJECTIONS

Based upon its review of the Information Request, UA regards individual components of the Information Request as vague or ambiguous. By way of example only, the Information Request is vague or ambiguous to the extent that the Information Request does not define various terms or purports to define terms other than by their commonly understood meaning. UA specifically states that it has provided responses to the Information Request based upon UA's understanding of the requests and the common usage of specific terms not otherwise defined.

UA further objects to the Information Request to the extent that any individual request is overly broad and not reasonably calculated to lead to the revelation of relevant information pertinent to the SBD Site, and/or that responding thereto would be unduly burdensome or expensive.

UA construes its obligation to respond to the Information Request as coextensive with the scope of USEPA's authority pursuant to Section 104(e) of CERCLA, and has interpreted such requests on the premise that the Information Request is reasonably related to information relevant to USEPA's lawful objectives pursuant to Section 104(e) of CERCLA.

UA specifically reserves all rights to assert legally recognized privileges to protect against the disclosure of information, including without limitation the attorney-client privilege and the protection from disclosure pursuant to the attorney work product doctrine. UA does not waive any such right or privilege by its response to the Information Request, and hereby specifically asserts such privileges and protections as may be applicable.

In responding to the Information Request, UA has reviewed documents and other information currently available to UA and relevant to the Information Request. UA expressly states that its response to the Information Request is limited by the current availability of information. UA has undertaken a reasonable investigation designed to identify available

existing documents or other information in its possession, custody or control. Such available information forms the basis for UA's response. UA objects to the Information Request to the extent that it seeks information that is not in UA's possession, custody or control. UA further objects to the "Instructions" included with the Information Request to the extent that it purports to expand UA's obligations beyond those imposed under Section 104(e) of CERCLA.

UA fully incorporates by reference the foregoing general objections into each of its responses to individual information requests, and will therefore not restate such objections within individual responses. In addition, by providing responses to individual information requests, UA does not thereby waive or limit the foregoing general objections.

Subject to, and without waiving or limiting the foregoing objections, UA responds to the Information Request as follows.

General Information about the Company

1.

(a). State the correct legal name of the Company.

UA Response: United Asphalt Co. .

(b). Identify the legal status of the Company (corporation, partnership, specify if other) and state in which the Company was organized.

<u>UA Response</u>: United Asphalt Co. is a corporation organized in New Jersey.

(c). State the name(s) and address(es) of the officer(s) of the Company.

UA Response: Mark Umosella
President, United Asphalt Co.
237 North Grove Street
Cedar Brook, New Jersey 08018

(d). If the Company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related companies and state the name(s) and address(es) of the officer(s) of those organizations. Provide the same information for any further parent/subsidiary relationships.

<u>UA Response</u>: N/A – United Asphalt has no subsidiaries or affiliates, and is not the subsidiary of any other organizations.

(e). If the Company is a successor to, or has been succeeded by, another, identify such other company and provide the same information requested above for the predecessor or successor company.

<u>UA Response</u>: N/A – United Asphalt is not a successor to, and has not been succeeded by any other company.

(f). If the Company transacted business with SBD in the name of an entity not already disclosed, give the name of such entity and state its relationship to the Company.

<u>UA Response</u>: N/A – United Asphalt has not transacted business with Superior Barrel and Drum Company, Inc. ("SBD") in the name of any other entity.

2.

(a). Describe in detail the nature of your Company's business during the years 1974 to the present. If the nature of the business has not been constant, describe the changes that have occurred, including any name changes, and when they occurred.

<u>UA Response</u>: Without limitation to its general objections, UA specifically objects to Information Request #2a by reference to "the nature of your Company's business" without providing any definition or other clarification as to the scope and extent of such terms. Further, UA specifically objects to Information Request #2a by reference to "changes" without providing any definition or other clarification as to the scope and extent of such term. By way of further response, from 1974 to the present, UA has blended and packaged asphalt products used for roofing, and has distributed roofing materials.

(b). Describe your Company's operations from 1974 to the present and identify all chemicals used or produced as a result of your Company's operations during that period, including any chemical substances used to clean equipment or machinery and the nature and chemical constituents of all waste streams and their disposition.

<u>UA Response</u>: Without limitation to its general objections, UA specifically objects to Information Request #2b by reference to "Company's operations" without providing any definition or other clarification as to the scope and extent of such terms. Further, UA specifically objects to Information Request #2b by reference to "chemical constituents of all waste streams and their disposition" without providing any definition or other clarification as to the scope and extent of such terms.

By way of further response, from 1974 to the present UA has blended and packaged asphalt products used for roofing, and distributed roofing materials. Chemical substances used by UA in the blending of asphalt products include asphalt, mineral spirits, mineral fibers, calcium carbonate, and magnesium aluminum silicate. Those chemical substances are incorporated in the product produced by the company, which is identified as Del Val Fibered Roof Coating. The waste stream generated by UA in the normal course of the company's operations is limited to

paper, bags, pallets, cardboard, and plastic wrap. Disposition of this trash has been performed under contract by waste haulers including Modern Way Trash Removal and United Waste.

Company's Relationship to Superior Barrel and Drum ("SBD")

3.

(a). State whether the Company or any Company facility conducted any business transaction with SBD for the disposal, treatment, or storage of any barrels, drums, or other containers (hereinafter collectively referred to as "Containers").

<u>UA Response</u>: Upon information and belief, UA has not conducted any business transactions with SBD since March of 2005. Prior to 2005, UA's primary business relationship with SBD consisted of UA purchasing clean, empty drums, drum liners, and drum covers from SBD. Outside of the purchase of drums from SBD by UA, available records identify only two instances, in 1998 and 1999, reflecting transactions between UA and SBD for the removal of drums at the UA facility by SBD. In both instances, the records indicate that the drums removed by SBD were empty.

(b). If so, identify each such facility and describe the relationship between the Company and SBD, including the nature of services rendered or products sold to the Company.

<u>UA Response</u>: The UA facility involved in the transactions with SBD in 1998 and 1999 referenced in Response 3(a) above was located at the following address:

Address:

156 Davis Avenue

Cedar Brook, NJ 08018

Municipality:

Winslow Township

County:

Camden County

The available documentation (attached) describes the referenced transactions as the removal by SBD of 148 empty, open head drums from the UA facility. Based on UA's operations, the previous contents of the empty drums removed by SBD are understood to be limited to asphalt products.

(c). Provide copies of any contracts or agreements between the Company and SBD.

<u>UA Response</u>: After reasonable investigation, UA has not identified any contracts or agreements between the company and SBD. Available records reflecting any business transactions between the entities are limited to the attached Vendor/Purchase History information produced from electronic vendor records maintained by UA.

4.

(a). For each facility identified in Question 3, state the nature of the operations conducted at the facility, including the time period in which the facility operated.

<u>UA Response</u>: Without limitation to its general objections, UA specifically objects to Information Request #4a by reference to "the nature of the operations" without providing any definition or other clarification as to the scope and extent of such terms. By way of further response, from 1974 through the date of the transactions in question, the facility identified in response to Question 3 above operated to blend and package asphalt products used for roofing, and to distribute roofing materials.

(b). State the name, address, and current RCRA Identification Number of each facility.

UA Response: N/A

- 5. For each transaction between the Company and SBD, provide the following information, which may be provided in tabular format.
 - (a). Identify the specific dates of each transaction and the facility involved with each transaction. Where an exact date cannot be provided for a transaction, provide an approximation by month and year.

<u>UA Response</u>: See attached Vendor/Purchase History document.

(b). Identify the number of Containers that were the subject of each transaction.

<u>UA Response</u>: See attached Vendor/Purchase History document.

(c). Generically describe each Container that was the subject of each such transaction, including the Container capacity and type (example: 55-gallon closed head steel drums, etc.).

<u>UA Response</u>: Without limitation to its general objections, UA specifically objects to Information Request #5c by reference to "generically describe" without providing any definition or other clarification as to the scope and extent of such terms. By way of further response, and based on information and belief, the empty containers removed from the UA facility by SBD were open head 55 gallon drums.

(d). Identify the intended purpose and nature of each such transaction (example: Company products sold to SBD, Company waste disposed by SBD, Company products purchased from SBD, Services rendered to or from the Company to or from SBD, etc.).

<u>UA Response</u>: As noted above, UA primarily purchased clean, empty drums, liners and covers from SBD. Those drums were used to hold the manufactured asphalt roofing product blended and packaged by UA. The asphalt product was sold to customers of UA in the drums purchased from SBD. On occasion, customers returned empty drums to UA for reuse after they had been emptied of the asphalt product. Available information suggests that, on two occasions, UA

contracted with SBD to remove and recondition 148 empty drums that were no longer suitable for reuse in UA's operations.

- (e). State whether each Container that was the subject of the transaction contained any substance(s) at the time of the transaction. As to each Container that contained any substance:
 - (1) Identify each such substance, including its specific chemical constituent(s), physical state, quantity by volume and weight, and other characteristics; and
 - (2) Provide all written analyses that may have been generated for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance.

<u>UA Response</u>: Available records indicate that the containers removed from UA by SBD were empty.

6. Provide copies of all documents relating in any way to each transaction, including copies of delivery receipts, invoices, or payment devices.

<u>UA Response</u>: See attached Vendor/Purchase History records.

7. Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction.

UA Response:

Mark Umosella President, United Asphalt Co. 237 North Grove Street Cedar Brook, New Jersey 08018

- 8. If you contend that any Container identified in response to Question 5, above, did not contain any substance at the time of the transaction, state whether such Container had previously been used by the Company to contain any substance, and if so:
 - (a). Identify all substances previously contained within such Container, including its specific chemical constituent(s), physical state, and other characteristic(s); and
 - (b). Provide as to such substance(s), all written analyses that may have been generated for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance.

<u>UA Response</u>: Without limitation to its general objections, UA specifically objects to Information Request #8 by reference to "substance" without providing any definition or other

clarification as to the scope and extent of such term. By way of further response, and based upon UA's operations, the previous contents of the empty drums removed by SBD are understood to be limited to asphalt products. The Material Safety Data Sheet for UA's Del Val Fibered Roof Coating asphalt product is attached.

9. Describe in detail any treatment of any Container that may have been performed by or on behalf of the Company prior to the time that the Container was transferred from the Company, including any process or procedure by which the Container was emptied or cleaned.

<u>UA Response</u>: N/A – the containers at issue were emptied by UA's customers before being returned to UA and subsequently removed by SBD for reconditioning.

10. If you sent any Container by means of any third party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions the transporter acted.

<u>UA Response</u>: N/A – Available records indicate that the empty containers were removed by SBD.

11. Identify each person consulted in responding to these questions and all questions on which he or she was consulted.

UA Response:

Mark Umosella President, United Asphalt Co. 237 North Grove Street Cedar Brook, New Jersey 08018

In addition, the law firm Manko, Gold, Katcher and Fox LLP was consulted in responding to the Information Request and has offices at 401 City Avenue, Suite 901, Bala Cynwyd, PA 19004.

12. Identify any other person or entity (e.q., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title(s) and a description of the responsibilities.

<u>UA Response</u>: Upon information and belief, no other UA employees have any knowledge or facts relating to the questions which are the subject of this inquiry.

13. Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.

<u>UA Response</u>: N/A - UA has no additional information or documents relevant or useful to identify other sources who disposed of or transported containers to the SBD Site.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION Superior Barrel and Drum Site, Elk, Gloucester County, New Jersey

State of New Terseyr County of Camden:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

MAN'S MAGSELIA NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this 17+h day of Scot., 2014

Notary Public

STACY L GRASSO Notary Public State of New Jersey My Commission Expires Jan 5, 2015 8:00:34 AM

Vendor / Purchase History

Superior Barrel & Drum Co.,lı		From: 1/1/1998 To: 12/31/2014 \server\Great Plains\Crystal Reports\1055-Vendor History.rpt			
10/7/98	021176	10-07-98	Removed 104 Empty Open Head Drums	551.20	
2/26/99	022428	2-26-99	Removed 44 Empty Open Head Drums	220.00	
2/12/02	033125	4279	Purchased 22 Drum Liners	104.50	
4/16/02	033658	4387	Purchased 17-55 Gallon Drum Liners	153.00	
5/23/03	037641	15411	Purchased Covers For Drums	271.00	
7/25/03	038362	15449	Purchased 20 Used Covers For Drums	31.80	
12/3/03	040023	15697	Purchased 80 Covers For 55gal Drums	120.00	
2/27/04	040713	5453 ⁻	Purchased 52 Empty Open Head Drums / 30 Co	665.50	
6/28/04	042057	5683	Purchased 16 Empty Open Head Drums	256.00	
7/20/04	042367	15866	Purchased 80 Covers / 20 Empty Open Head D	380:00	
8/20/04	042695	15937	Purchased 54 Empty Open Head Drums / 20 Cr	762:00	
10/1/04	043278	16137	Purchased 12 Empty Open Head Drums / 80 Ci	316.00	
3/7/05	044600	6229	Purchased 7 Empty Open Head Drums / 7 Covi	105.00	
	•			3,936.00	

Quality Products Since 1963

MATERIAL SAFETY DATA SHEET

Page 1 of 3

HMIS RATING

HEALTH: 1 FLAMMABILITY: 2

REACTIVITY: 0

SECTION 1 - CHEMICAL PRODUCTS AND COMPANY IDENTIFICATION

IDENTITY:

DEL VAL FIBERED ROOF COATING

MANUFACTURER:

UNITED ASPHALT COMPANY

PO BOX 291

CEDAR BROOK NJ 08018

PHONE # 856-753-9811

24 HR CHEMTREC EMERGENCY # 800-424-9300

DATE: MARCH 11, 2005 REVISION 6

SECTION 2 - COMPOSITION, INFORMATION ON INGREDIENTS

HAZARDOUS COMPONENTS	CAS#	OSHA PEL	ACGIH TLV	WT%
ASPHALT MINERAL SPIRIRTS MINERAL FIBERS CALCIUM CARBONATE MAGNESIUM ALUMINUM SILICATE	8052-42-4 8052-41-3 9004-34-6 471-34-1 12174-11-77	5mg/m³ 100 ppm	5mg/m³ 100 ppm	50 - 70 20 - 30 20 - 30 5 - 10 20-30

THERE ARE NO SARA 313 INGREDIENTS IN THIS MATTER IN EXCESS OF DEMINIMUS AMOUNTS"

SECTION 3 - PHYSICAL CHEMICAL CHARACTERISTICS

30ILING POINT:

310 - 400° F

VEIGHT PER GALLON:

9.6#

'APOR PRESSURE (mmHg):

1-100@100°F

IELTING POINT:

N/A LIQUID

'APOR DENSITY (AIR = 1):

HEAVIER

:VAPORATION RATE (BUTYL ACETATE = 1): SLOWER

OLUBILITY IN WATER:

PPPEARANCE AND ODOR:

INSOLUBLE

BLACK FLUID, CHARACTERISTIC OF PETROLEUM SLOVENT.

SECTION 4 FIRE AND EXPLOSION HAZARD DATA

FLASH POINT (METHOD USED):

SETA 125 °F

FLAMMABLE LIMITS:

LEL:

0.6

UEL:

7.5

EXTINGUISHING MEDIA:

FOAM CO2, DRY CHEMICAL, AND COMBUSTABLE

UNUSUAL FIRE AND EXPLOSION HAZARDS:

Don't mix or store with strong oxidants like liquid chlorine or oxygen. Keep containers tightly closed. Closed containers may explor when exposed to extreme heat. Application too hot surfaces require special precautions. During emergency conditions, overexposure to decomposition products may cause a health hazard. Symptoms may not be immediately apparent. Obtain medic attention

SECTION 5 - REACTIVITY DATA

STABILITY: STABLE

CONDITIONS TO AVOID: KEEP FROM HEAT, SPARKS, OPEN FLAME

INCOMPATIBILITY (MATERIAL TO AVOID): SRONG OXIDANTS

HAZARDOUS DECOMPOSITION OR BYPRODUCTS: FUMES, SMOKE AND CO2, CARBON MONOXIDE IF COMBUSTION IS

COMPLETE

HAZARDOUS POLYMENZATION:

WILL NOT OCCUR

CONDITIONS TO AVOID:

WATER, CONTAINERS OPEN TO AIR (MOISTURE)

SECTION 6 - HEALTH HAZARD DATA

ROUTE(S) OF ENTRY: INHALATION? Yes

EYES? Yes

SKIN? Yes

INGESTION? Yes

HEALTH HAZARDS (ACUTE AND CHRONIC) AND SIGNS AND SYMPTOMS OF EXPOSURE:

ACUTE: Itching, unconsciousness, dizziness, dries skin, nausea.

CHRONIC: Difficulty breathing (cancer studies inconclusive)

EMERGENCY AND FIRST AID PROCEDURES

Large amounts may need immediate emergency treatment.

nhalation: Get fresh air, administer oxygen

Eye Contact: Flush for 15 min. Get medical attention.

<u>3kin Contact</u>: Wash with soap and water. Get medical attention if irritation persists.

ngested: Do not induce vomiting. Get medical attention quickly.

SECTION 7 - PRECAUTIONS FOR HANDLING AND USE

STEPS TO BE TAKEN INCASE MATERIAL IS RELEASED OR SPILLED

Keep people away. Recover free tiquid. Add absorbent (sand, earth, sawdust, etc.) to spill area. Avoid breathing vapors. Ventilate confined spaces. Open all windows and doors. Keep products out of sewers and watercourse by diking or impounding else advise authorities.

WASTE DISPOSAL METHOD

Assure conformity with applicable disposal regulations. Dispose of absorbed material at an approved disposal site or facility.

SECTION 8 - PRECAUTIONS TO BE TAKEN IN HANDELING AND STORING

Keep containers closed when not in use. Do not handle or store near heat, sparks, flame or strong exidents. Adequate ventilation required.

OTHER PRECAUTIONS

Avoid breathing vapors. Avoid prolong or repeated contact with skin, avoid breathing vapors and mist. Remove contaminated clothing and launder before reuse. Remove contaminated shoes and thoroughly dry before reuse

SECTION 9 - CONTROL MEASURES

RESPIRATORY PROTECTION (SPECIFY TYPE)

Jse organic vapor canister if in confined or enclosed space.

/ENTILATION: LOCAL EXHAUST: Face velocity 60 fpm SPECIAL: Use with adequate ventilation

PROTECTION GLOVES: Use chemical – resistant gloves if needed to avoid repeated or prolonged skin contact.

EYE PROTECTION: Use splash goggles or face shield when eye contact may occur.

THER PROTECTIVE CLOTHING OR EQUIPMENT: Use chemical-resistant apron or other clothing to avoid repeated or irolonged skin contact.

lection 10 - TRANSPORTATION DATA

).O.T. regulated hipping Names: Tars, (contains Mineral Spirits) lazard Class: Combustible liquid D# 1999 (103) acking Group – 3 N# 1999

United Asphalt Company
237 North Grove Street Williamstown Junction, NJ 08009
PO Box 291 Cedar Brook NJ
856-753-9811

800-843-0317

FX: 856-753-9811

www.unitedasphalt.com

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United Asphalt P.O. Box291	D. Is delivery address different from term 1? If YES, enter delivery address below:			
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United Asphalt
United Asphalt
PO BOX 291
PO BOX Brook, NO
Cedar Brook, NO
8018 Onited Aspirali 237 N. Grove St. Berlin, NJ 08009 Attn: Mark Umosella, President REASON CHECKED

Moved, Left No Address
Unable To Forward
Attempted - Not Known
Attempted - Not Known
Not Such Street
No Such Number

